



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, सोमवार, 23 मई, 1960/2 ज्येष्ठ, 1882

HIMACHAL PRADESH ADMINISTRATION

AGRICULTURE DEPARTMENT

NOTIFICATION

Simla-4, the 31st March, 1960/[11th Chaitra, 1882

No. Agr. 2-325/57.—In exercise of the powers conferred by the Government of India, *vide* Ministry of Home Affairs Notification No. F. 27/59-Him-(i), dated the 13th July, 1959, the Lieutenant Governor, Himachal Pradesh, is pleased to make the following rules regulating the Recruitment to and the Conditions of Service of the Members of the Himachal Pradesh Agricultural Service Class II:

PART I—GENERAL

1. **Short title.**—(a) These rules may be called the Himachal Pradesh, Agricultural Service Class II Rules, 1960.

(b) These shall come into force from the date of issue of this Notification.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or the context:—

(a) “Commission” means the Union Public Service Commission.

(b) “Administration” means the Administration of Himachal Pradesh.

(c) “Recognised Institutions” means any University incorporated by law in India and such other University, College, School or institution which is declared, by Government of India or the Administration, to be a recognised institution for the purposes of these rules.

(d) “Service” means the Himachal Pradesh Agricultural Service Class II.

(e) “Subordinate Service” means the Himachal Pradesh Subordinate Agricultural Service.

(f) “Direct appointment” means an appointment made otherwise than by promotion or transfer from another service, except as provided hereafter.

PART II—APPOINTMENTS

3. **Number and character of posts.**—The service shall comprise the posts specified in Appendix ‘A’ to these Rules. Nothing in these rules shall affect the inherent right of the Administration to increase or reduce the number of posts prescribed in the said Appendix.

4. **Method of recruitment.**—(a) *Direct Recruitment.*—66-2/3 per cent of research and teaching posts and 33-1/3 per cent of administrative and extension posts as listed in Appendix ‘A’ shall be filled through the Commission. An Officer already in service of the Central or a State Government or of the Administration or of the Administration of any other Union Territory, may, with the permission of the Government/Administration under which he is serving, apply for such appointment and his claim will be considered along with those of other candidates, provided that no relaxation of the prescribed academic qualifications, if any, shall be made in favour of Government servants applying for these posts, but the prescribed maximum age limit in their case may be relaxed by the Commission in suitable cases.

(b) *Recruitment by promotion.*—(i) 33-1/3 per cent of research and teaching posts and 66-2/3 per cent of administrative and extension posts as listed in Appendix ‘A’ shall be filled in by promotion.

(ii) Appointment to the service by promotion from the subordinate service shall be on merit-cum-seniority basis and no member of the subordinate service shall have any claim to such appointment as of right and non-promotion, whether in a substantive or officiating capacity, shall not amount to a penalty under rule 13 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957.

5. **Educational qualifications.**—A candidate for appointment must possess at least a degree in Agriculture not lower than 2nd Class of a recognised institution and such other qualifications as the Administration in consultation with the Commission may prescribe from time to time for the particular post for which recruitment is to be made.

Provided that in exceptional cases, the Commission on the recommendations of the Administration may treat a candidate who, though he has not all or any of the qualifications prescribed in this rule has passed examinations conducted by other institutions of a standard which in the opinion of the Commission justifies his admission to the interview, as a qualified candidate.

6. Nationality and Domicile.—A candidate must be,—

- (a) a citizen of India; or
- (b) a subject of Sikkim; or
- (c) a person of Indian origin who has migrated from Pakistan or from the occupied area of Jammu and Kashmir State with the intention of permanently settling in India; or
- (d) a subject of Nepal or of a Portuguese or a French possession in India:

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d) the certificate of eligibility will be valid for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

The candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also be appointed provisionally subject to the necessary certificate being eventually granted to him by the Government of India.

7. Age limit.—Candidates for direct recruitment for the posts must not be less than 25 and more than 35 years of age on the last date fixed for making applications for the posts. Provided that for a candidate already in the service of the Central or a State Government or of the Administration or of the Administration of any other Union Territory applying for the posts, the upper age limit may be relaxed in the manner prescribed in rule 4.

8. Character of candidate.—A candidate must satisfy the Administration that his character and antecedents are such as to make him suitable for appointment to the service:

Provided that a person may be appointed prior to his character and antecedents being verified in special circumstances subject to satisfactory verification of his character and antecedents which may be got verified later on. In case his character and antecedents are not verified to be satisfactory, his services may be terminated, and such termination shall not amount to a penalty within the meaning of Rule 13 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957.

9. Physical fitness.—A candidate for direct appointment shall have to produce a certificate of fitness as required by rule 10 of the Fundamental Rules, and rules 3, 4 and 4A of the Supplementary Rules.

10. Appointment to the service.—All appointments to the service shall be made by the Administration in consultation with the Commission, except in cases where such consultation is not necessary under the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.

11. Conditions for appointment by promotion.—Appointments to the service by promotion from the subordinate service shall be made by selection on the advice of the Departmental Promotion Committee constituted by the

Administration in this behalf on the basis of :—

- (a) merit,
- (b) special training and experience required for the post, and
- (c) approved service.

PART III—CONDITIONS OF SERVICE

12. Pay of the members of the service.—A member of the service holding any appointment specified in Appendix 'A' shall, from the date of joining his appointment, be entitled to draw pay in the scale shown in column No. 3 of the said Appendix against such appointment. Nothing in these Rules shall affect the right of the Government of India to increase or reduce the scale of pay now prescribed in the said Appendix either permanently or temporarily for entrants to the service.

13. Initial pay of the members of the service.—In applying the scale of pay of the service to Officers directly recruited over the age of 25 years, initial pay in the time scale and the date of increment will be fixed by the Administration in accordance with Fundamental Rule 27.

14. Probation of members of the service.—Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service specified in Appendix 'A', remain on probation for a period of two years in the case of members appointed by direct recruitment and on trial for a period of one year in the case of members appointed by promotion, and shall undergo such training as the Administration may direct:

Provided that a person who is already confirmed in an identical or equivalent scale of pay and is transferred for appointment in the service shall not be placed on probation.

Explanation I.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

Explanation II.—If the work or conduct of any member during the period of probation or trial, as the case may be, has, in the opinion of the Administration, not been satisfactory, the Administration, may in consultation with the Commission wherever necessary either dispense with his service or revert him to his former post, if he has been appointed otherwise than by direct recruitment or may extend his period of probation or trial, as the case may be, and thereafter pass such orders on the expiry of the period of probation or trial, as it could have passed on the expiry of the initial period of probation or trial:

Provided always that the total period of probation and trial, as the case may be, including extensions, if any, shall not exceed three years in the case of probation and 2 years in the case of trial.

15. Seniority.—The seniority of members of the service shall be determined by the date of confirmation in the service in the case of permanent members or by the date of appointment in the case of temporary members provided that if two or more members are confirmed on the same date:—

- (a) members appointed by promotion from amongst members of the subordinate service shall be senior to members appointed by direct recruitment;
- (b) in the case of members recruited by direct appointment, an older member shall be senior to a younger member;

- (c) in the case of members appointed by promotion, their seniority interest in the subordinate service shall determine their seniority in the service also.

16. Departmental examination.—Every member of the service shall, within the period of his probation, pass the examinations noted at (a) and also the examination noted at (b) below if he is liable to take it. If any member fails to pass such examinations, he shall be removed from the service, or reverted to his substantive appointment, if any, provided that the Administration may exempt any member from so passing all or any, or any portion of, these examinations or may extend his probationary period to enable him to pass these examinations:—

- (a) an examination in accounts by the higher standard as prescribed by the Administration from time to time;
- (b) for any member not domiciled in the Himachal Pradesh, such examination in Hindi as may be prescribed by the Administration.

17. Discipline, penalties and appeal.—In matters relating to discipline, penalties and appeals, members of the service shall be governed by the Central Civil Service (Classification, Control and Appeal) Rules, 1957.

18. General.—In all matters not expressly provided for in these rules, the members of the service shall be governed by such general rules as are deemed to have been or may hereafter be framed by the Administration or under the provisions of the Constitution of India until provision in that behalf is made by or under an Act of Parliament.

APPENDIX 'A'

LIST OF POSTS IN THE HIMACHAL PRADESH AGRICULTURAL SERVICE CLASS II

Sl. No.	Designation of the post	Pay scale	Existing No. of posts.
I—RESEARCH AND TEACHING POSTS			
1.	Assistant Entomologist ..	Rs. 250-25-550/25-750.	1
2.	Biochemist (Compost) ..	-do-	1
3.	Assistant Statistician ..	-do-	1
4.	Assistant Botanist (Vegetables) ..	-do-	1
5.	Assistant Botanist-cum-Agronomist ..	-do-	1
6.	Assistant Mycologist (Fruits) ..	-do-	1
7.	Assistant Entomologist (Fruits) ..	-do-	1
8.	Assistant Horticulturist ..	-do-	1
9.	Assistant Plant Pathologist ..	-do-	1
10.	Superintendent, Vocational Agricultural School ..	-do-	1
11.	Assistant Entomologist (Apiary) ..	-do-	1
12.	Assistant Soil Chemist ..	-do-	1
13.	Assistant Botanist (Ginger) ..	-do-	1
14.	Assistant Horticulturist (Nuts) ..	-do-	1
15.	Assistant Horticulturist (Sub-tropical fruits) ..	-do-	1
16.	Assistant Horticulturist (Ornamental Plants) ..	-do-	1
17.	Assistant Agricultural Engineer ..	-do-	1

<i>Sl. No.</i>	<i>Designation of the post</i>	<i>Pay scale</i>	<i>Existing No of posts</i>
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II—ADMINISTRATIVE AND EXTENSION POSTS

1.	District Agricultural Officers	Rs. 250-25-550/25-750.	5
2.	Regional Potato Development Officers	-do-	3
3.	Horticultural Development Officers	-do-	2
4.	Garden Superintendent	-do-	1
5.	Agricultural Information Officer	-do-	1
6.	Plant Protection Officer	-do-	1
7.	Assistant Soil Conservation Officer (Engineering)	-do-	1
8.	Assistant Soil Conservation Officer (Survey)	-do-	1

RAJ KUMAR, I.A.S.,
Secretary.

TRANSPORT DEPARTMENT

NOTIFICATION

Simla-1, the 29th April, 1960/9th Vaisakha, 1882

No. H. (T) 14-168/58.—In exercise of the powers conferred by section 111A of the Motor Vehicles Act, 1939 (4 of 1939), the Lieutenant Governor, Himachal Pradesh proposes to make the following rules and add Chapter IX to the Punjab Motor Vehicles Rules, 1940 as applied to Himachal Pradesh and the same are hereby published for the information of all persons likely to be affected as required by section (1) of section 133 of the said Act.

The draft rules together with objections or suggestions received from the persons likely to be affected will be taken into consideration on or after 30 days of this publication.

“Chapter IX

Insurance of Motor Vehicles against Third Party Risk”.

“MOTOR ACCIDENTS CLAIMS TRIBUNALS RULES 1960”

1. Short title, extent and commencement.—(1) These rules may be called the Himachal Pradesh Motor Accidents Claims Tribunals Rules, 1960.

(2) These rules extend to the whole of the Union Territory of Himachal Pradesh.

(3) These rules shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires:—

(a) “Act” means the Motor Vehicles Act, 1939 (4 of 1939);

(b) “Claims Tribunal” means a Motor Accidents Claims Tribunal constituted under section 110 of the Act;

(c) “Legal representative” shall have the meaning assigned to it under clause (11) of section 2 of the Code of Civil Procedure, 1908.

3. Applications.—Every application for payment of compensation made under section 110-A shall be made in the form appended to these rules and shall be accompanied by the fee prescribed therefor in rule 22.

4. Examination of applicant.—On receipt of an application under rule 3, the Claims Tribunal may examine the applicant on oath, and the substance of such examination, if any, shall be reduced to writing.

5. Summary dismissal of application.—The Claims Tribunal may, after considering the application and the statement, if any, of the applicant recorded under rule 4, dismiss the application summarily, if for reasons to be recorded, it is of the opinion that there are no sufficient grounds for proceeding therewith.

6. Notice to parties involved.—If the application is not dismissed under rule 5, the Claims Tribunal shall send to the owner of the motor vehicle involved in the accident and its insurer, a copy of the application together with a notice of the date on which it will hear the application, and may call upon the parties to produce on that date any evidence which they may wish to tender.

7. Appearance and examination of parties.—(1) The owner of the motor vehicle and the insurer may, and if so required by the Claims Tribunal shall, at or before the first hearing or within such further time as the Claims Tribunal may allow, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the owner or the insurer contests the claim, the Claims Tribunal may, and if no written statement has been filed, it shall, proceed to examine the owner and the insurer upon the claim and shall reduce the substance of the examination to writing.

8. Summoning of witnesses.—If an application is presented by any party to the proceeding for the summoning of witnesses, the Claims Tribunal shall, on payment of the expenses involved, if any, issue summons for the appearance of such witnesses, unless it considers that their appearance is not necessary for a just decision of the case.

9. Appearance of legal practitioner.—The Claims Tribunal may, in its discretion, allow any party to appear before it through a legal practitioner.

10. Local inspection.—(1) The Claims Tribunal may at any time during the course of an inquiry before it visit the site at which the accident occurred for the purpose of making a local inspection or examining any persons likely to be able to give information relevant to the proceeding.

(2) Any party to a proceeding or the representative of any such party may accompany the Claims Tribunal for a local inspection.

(3) The Claims Tribunal after making a local inspection shall note briefly in a memorandum any facts observed, and such memorandum shall form part of the record of inquiry.

(4) The memorandum referred under sub-rules (3) may be shown to any party to the proceedings who desires to see it and a copy thereof may on application be supplied to any such party.

11. Inspection of the vehicle.—The Claims Tribunal may, if it thinks fit, require the motor involved in the accident to be produced by the owner for inspection at a particular time and place to be mentioned by it, if necessary in consultation with the owner.

12. Power of summary examination.—(1) The Claims Tribunal, during a local inspection or at any other time, save at a formal hearing of a case pending before it, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

13. Method of recording evidence.—The Claims Tribunal shall, as examination of witnesses proceeds, make a brief memorandum of the substance of the evidence of each witness and such memorandum shall be written and signed by the members of the Claims Tribunal and shall form part of the record:

Provided that the evidence of any medical witness shall be taken down as nearly as may be word for word.

14. Adjournment of hearing.—If the Claims Tribunal finds that an application cannot be disposed of at one hearing, it shall record the reasons which necessitate the adjournment and also inform the parties present of the date of adjourned hearing.

15. Co-opting of persons during inquiry.—(1) The Claims Tribunal may, if it thinks fit, co-opt one or more persons possessing special knowledge with respect to any matter relevant to the inquiry.

(2) The remuneration, if any, to be paid to the person(s) co-opted shall in every case be determined by the Claims Tribunal.

16. Framing of issues.—After considering any written statement, the evidence of the witnesses examined and the result of any local inspection, the Claims Tribunal shall proceed to frame and record the issues upon which the right decision of the case appears to it to depend.

17. Determination of issues.—After framing the issues, the Claims Tribunal shall proceed to record evidence thereon which each party may desire to produce.

18. Diary.—The Claims Tribunal shall maintain a brief diary of the proceedings on an application.

19. Judgement and award of compensation.—(1) The Claims Tribunal, in passing orders shall record concisely in a judgement the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the insurer and also the person or persons to whom compensation shall be paid.

(2) Where compensation is awarded to two or more persons, the Claims Tribunal shall also specify the amount payable to each of them.

20. Code of Civil Procedure to apply in Certain cases.—The following provisions of the First Schedule to the Code of Civil Procedure, 1908 shall so far as may be apply to proceedings before the Claims Tribunals, namely, Order V, rules 9 to 13 and 15 to 30; Order IX, Order XIII, rules 3 to 10; Order XVI, rules 2 to 21; Order XVII; and Order XXIII, rules 1 to 3.

21. Form and number of appeals against the decision of Claims Tribunal.—(1) An appeal against the award of a Claims Tribunal shall be preferred in the form of a memorandum stating concisely the grounds on which the appeal is preferred.

(2) It shall be accompanied by a copy of the judgement and the award appealed against.

22. Fees.—(1) Every application under sub-section (1) of section 110A of the Act, for payment of compensation shall be accompanied by a fee of rupees ten in the form of court fee stamps.

(2) The Claims Tribunal may, in its discretion, exempt a party from the payment of fee prescribed under sub-rule (1):

Provided that where a claim of a party has been accepted by the Claims Tribunal, the party shall have to pay the prescribed fee, exemption in respect of which has been granted initially before a copy of the judgement is obtained.

FORM OF APPLICATION FOR COMPENSATION

(See Rule 3)

To

The Motor Accidents Claims Tribunal,

.....

I..... Son/daughter/wife/
widow of..... residing
at..... having been
injured in motor vehicle accident hereby apply for the grant of compensation for
the injury sustained. Necessary particulars in respect of the injury, vehicle
etc., are given below.

I..... son/daughter/wife/
widow of..... residing
at..... hereby apply,
as a legal representative/agent, for the grant of compensation on account of
death/Injury sustained by of Shri/Kumari/Shrimati.....
son/daughter/wife/widow of Shri/Shrimati.....
..... who died/was injured in
a motor vehicle accident.

Necessary particulars in respect of the deceased/injured, the vehicle etc.
are given below:—

1. Name and father's name of the person injured/dead (Husband's name in the case of married woman and widow) ..
2. Full address of the person injured/dead ..
3. Age of the person injured/dead ..
4. Occupation of the person injured/dead ..
5. Name and address of the Employer of the deceased, if any ..
6. Monthly income of the person injured/dead ..
7. Does the person in respect of whom compensation is claimed pay income tax? If so, state the amount of income tax (to be supported by documentary evidence) ..
8. Place, date and time of the accident ..

9. Name and address of Police Station in whose jurisdiction the accident took place or was registered ..
10. Was the person in respect of whom compensation is claimed travelling by the vehicle involved in the accident? If so give the names of places of starting of journey and destination ..
11. Nature of injuries sustained ..
12. Name and address of the Medical Officer/Practitioner, if any, who attended on the injured/dead ..
13. Period of treatment and expenditure, if any, incurred thereon. (To be supported by documentary evidence) ..
14. Registration No. and the type of the vehicle involved in accident ..
15. Name and address of the owner of the vehicle ..
16. Name and address of the insurer of the vehicle ..
17. Has any claim been lodged with the owner/insurer, if so with what result ..
18. Name and address of the applicant ..
19. Relationship with the deceased ..
20. Title to the property of the deceased ..
21. Amount of compensation claimed ..
22. Any other information that may be necessary or helpful in the disposal of the claim ..

I solemnly declared that the particulars given above are true and correct to the best of my knowledge.

*Signature or thumb impression of
the applicant.*

By order,
SURAJ SINGH,
Joint Secretary.